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Filing date: **04/28/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220840
Party	Plaintiff Schlotterbeck & Foss Company
Correspondence Address	JEFFREY C JOYCE BOHAN MATHERS LLC PO BOX 449 PORTLAND, ME 04112-0449 UNITED STATES trademarks@bohanmathers.com
Submission	Answer to Counterclaim
Filer's Name	Jeffrey C. Joyce
Filer's e-mail	trademarks@bohanmathers.com
Signature	/Jeffrey C. Joyce/
Date	04/28/2015
Attachments	Answer to Counterclaim.pdf(10200 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial Nos. 86149005, 86149018,
Published: December 2, 2014,
and Application Serial No. 86148992
Published: September 2, 2014,
For the mark: ORGANICGIRL GOOD CLEAN FOOD with design

Schlotterbeck & Foss Company,)	
Opposer/Registrant)	
)	
v.)	Opposition No. 91220840
)	
Big Idea Holdings, LLC,)	
Applicant/Petitioner)	

**OPPOSER’S/REGISTRANT’S ANSWER TO APPLICANT’S/PETITIONER’S
COUNTERCLAIM**

In response to the Counterclaim for Petition to Cancel Registration filed by Big Idea Holdings, LLC (“Applicant”) on April 7, 2015, Schlotterbeck & Foss (“Opposer”) hereby responds as follows:

1. Opposer admits the allegations of Paragraph 1.
2. Opposer admits Paragraph 2 of the Counterclaim to the extent that Opposer is a Maine corporation with its principal place of business at 117 Preble Street, Portland, Maine, however denies the remainder of the paragraph as it inaccurately seeks to describe Opposer’s business.
3. Opposer admits the allegations of Paragraph 3 of the Counterclaim to the extent Opposer is the owner of U.S. Registrations No. 3427309, however, the remainder of this allegation states conclusions of law for which no response is required.
4. Opposer admits Paragraph 4 of the Counterclaim to the extent that Opposer filed a Combined Declaration of Use and Incontestability under 15 U.S.C. §§ 1058, 1065 however, the remainder of this allegation states conclusions of law for which no response is required, but to the extent a response is required Opposer denies the remaining allegations contained in Paragraph 4.

5. Opposer admits Paragraph 5 to the extent “Good Clean Food” does not appear on Exhibit C of the Counterclaim, however, this is a website that is periodically updated and Opposer is without knowledge or information sufficient to form a belief as to the truth of the remaining matters asserted in Paragraph 5 for all points in time and therefore denies the same.
6. Opposer denies Paragraph 6 of the Counterclaim.
7. Paragraph 7 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 7.
30. Opposer restates the responses to Paragraphs 1 to 7 as stated above.
31. Paragraph 31 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 31.
32. Paragraph 32 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 32.
33. Paragraph 33 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 33.
34. Opposer denies Paragraph 34 of the Counterclaim.
35. Paragraph 35 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 35.
36. Therefore, Opposer respectfully requests that the Petition to Cancel be denied.
37. Opposer restates its responses to each and every allegation contained in Paragraphs 1 to 7 and 30 to 36 of the Counterclaim in their entirety.
38. Opposer admits Applicant has made such an allegation but denies the substance of the allegation.
39. Opposer denies Paragraph 39.
40. Opposer denies Paragraph 40.

41. Paragraph 41 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 41.
42. Therefore, Opposer requests that the Petition to Cancel be denied and the Opposition sustained.
43. Opposer restates each and every response stated above.
44. Paragraph 44 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 44.
45. Paragraph 45 states a legal conclusion for which no response is required, however, to the extent a response is required, Opposer denies the allegations of Paragraph 45.
46. Opposer denies Paragraph 46.
47. Therefore, Opposer requests that the Petition to Cancel be denied in its entirety and that the Opposition be sustained.
48. Opposer reserves the right to assert any affirmative defense(s) or any compulsory or permissive counterclaim(s), if warranted by information obtained through discovery or trial.

WHEREFORE, Opposer respectfully requests that this opposition proceeding be sustained and that the petition to cancel be dismissed, with prejudice.

Respectfully Submitted

By: /Jeffrey Joyce/

Jeffery C. Joyce

Attorney for Opposer

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Date: April 28, 2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Big Idea Holdings, LLC,)	
Applicant/Petitioner)	

Notice of Service

This is to certify that the undersigned caused a true and correct copy of this Notice of Opposition to be mailed by First Class Mail, postage prepaid, and directed to Anne Hiaring Hocking, Attorney of Record for Applicant, DONAHUE FITZGERALD LLP, 80 E. Sir Francis Drake Blvd., Suite 2M, Larkspur, California 94939, on April 28, 2015.

/Jeffrey C. Joyce/
Jeffrey C. Joyce, Esq.